



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during September 2016
DISTRIBUTED: October 4, 2016

This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or ronald.mongeon@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and/or impose penalties to deter similar actions in the future.

District Court Enforcement Resolutions (party followed by location):

Land:

Walter Lamont Sr., Anne Lamont, Trustees of the W. & A. Lamont Living Trust and Walter Lamont Sr., Individually, Montville, Maine. Walter Lamont Sr. and Anne Lamont are the trustees of the W. & A. Lamont Living Trust ("Trust"). The Trust owns a parcel of land in Montville, Maine which is the location of a borrow pit. Walter Lamont, Sr. either excavated or caused to be excavated the required natural buffer strips along the road and wetlands on the Trust property violating 38 M.R.S. § 483-A(2), 06-096 C.M.R. ch. 2, § 21(C) and Standard Condition #1 of the Standard Conditions of Approval of Department Order #L-3017-80-A-A (Site Location of Development permit). These buffers do not conform to the requirements under the Site Location and Development permit that was issued to a Frederick N. Lucas or Lucas Construction (Order #L-3017-80-A-A) or the *Performance Standards for Excavation for Borrow, Clay, Topsoil or Silt*, 38 M.R.S. §§ 490-A–490-N. The Trust plans to reclaim the borrow pit located on the Trust property, however the pit has not been fully reclaimed due to a lack of sufficient vegetative growth on the property. In consideration of the Trust's plans to reclaim the borrow pit, the natural buffer strips are sloped and graded to the Department's satisfaction. The Trust has filed a Notice of Intent to Comply with 38 M.R.S. §§ 490-A–490-N and notified abutters and the municipality of its application. To resolve these violations, the Trust and Walter Lamont Sr. agree to ensure that the natural buffer strips and operating areas of the pit result in a permanent 90% vegetative cover no later than September 31, 2018. Additionally, the Trust and Walter Lamont Sr. stipulated that should the Trust and Walter Lamont Sr. fail to ensure a 90% permanent vegetative cover by September 31, 2018 or violate the Consent Decree and Order, approved and entered by Belfast District Court on September 15, 2016, the Trust and Walter Lamont Sr. shall pay stipulated penalties of five thousand dollars (\$5,000.00) and one hundred dollars (\$100.00) per day per violation of the Decree and Order, upon the demand of the Department.